

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOOPA VALLEY TRIBE,)	Civ. No. 1:20-cv-1814-JLT-EPG
)	
Plaintiff,)	
)	[PROPOSED] ORDER GRANTING
v.)	PLAINTIFF HOOPA VALLEY
)	TRIBE'S MOTION FOR
UNITED STATES BUREAU OF)	PRELIMINARY INJUNCTION
RECLAMATION; DEBRA ANNE HAALAND,)	
in her official capacity as Secretary of the)	
Interior; MARIA CAMILLE CALIMLIM)	
TOUTON, in her official capacity as)	
Commissioner of the United States Bureau of)	
Reclamation; ERNEST A. CONANT, in his)	
official capacity as United States Bureau of)	
Reclamation California-Great Basin Regional)	
Director; and UNITED STATES)	
DEPARTMENT OF THE INTERIOR)	
)	
Defendants.)	

1 The Court has fully considered all briefs and evidence filed in support and in opposition
2 to the Motion for Preliminary Injunction. The Court finds that: (a) Plaintiff will likely succeed
3 on the merits of its Ninth Claim for Relief in its Second Amended and Supplemental Complaint
4 for Declaratory and Injunctive Relief (Dkt. #142), at issue in this motion for preliminary
5 injunction, because federal Defendants have unlawfully disregarded the statutory delegation of
6 sovereignty and right of concurrence found in CVPIA § 3406(b)(23); (b) Plaintiff will likely
7 succeed on the merits of its Second Claim for Relief in its Second Amended and Supplemental
8 Complaint (Dkt. #142) that Defendants failed to comply with NEPA in their approval of the
9 WFV Project; (c) implementation of the Trinity River Winter Flow Variability Project will result
10 in irreparable harm to the Trinity River and its fishery below Lewiston Dam and accordingly to
11 Hoopa, as well as to Hoopa's sovereignty; (d) the balance of hardships favors injunctive relief;
12 and (e) an injunction is in the public interest.

13 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Preliminary
14 Injunction is hereby GRANTED, and the Court HEREBY RESTRAINS AND ENJOINS
15 Defendants, and their officers, agents, employees, and any other parties, persons, or entities who
16 are in active concert or participation with them, from any implementation of the Trinity River
17 Winter Flow Variability Project in the absence of the concurrence of the Hoopa Valley Tribe and
18 in the absence of compliance with NEPA.

19 This Preliminary Injunction shall take effect immediately. The requirement for bond or
20 security is waived.

21 Dated this _____ day of February, 2023.

22
23
24 _____
25 Honorable Jennifer L. Thurston
26 U.S. District Judge